

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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*Laydon v. Mizuho Bank, Ltd., et al.*

No. 12-cv-3419 (GBD)

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*Sonterra Capital Master Fund Ltd., et al. v. UBS AG, et al.*

No. 15-cv-5844 (GBD)

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**DECLARATION OF PATRICK T. EGAN IN SUPPORT OF  
CLASS COUNSEL'S MOTION FOR AWARD OF  
ATTORNEYS' FEES AND EXPENSES**

I, Patrick T. Egan, pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. I am a partner with the law firm of Berman Tabacco. The statements herein are true to the best of my personal knowledge, information and belief based on the books and records of Berman Tabacco and information received from its attorneys and staff.

2. Berman Tabacco serves as additional Plaintiffs' counsel for the putative class in these actions.

3. I respectfully submit this declaration in support of Class Counsel's Motion for Award of Attorneys' Fees and Expenses, and seek attorneys' fees in these actions.

4. During the course of this litigation, and as detailed herein, Berman Tabacco worked on assignments that it was specifically directed to perform by Class Counsel Lowey Dannenberg, P.C.

5. Set forth below in ¶ 7 are the lodestar value of the attorneys and professional staff of Berman Tabacco from inception to April 30, 2018 and also from October 1, 2017 to April 30, 2018, describing the lodestar value of the hours worked since Class Counsel's previous motion seeking an award of attorneys' fees in these actions. The schedule in ¶ 7 was prepared based upon daily time records maintained by attorneys and professional support staff at Berman Tabacco, and the lodestar calculations are based on the firm's current hourly billing rates. The schedule in ¶ 10 below reflects the expenses incurred by the firm in its representation of the putative class in this litigation since October 1, 2017.

6. The services Berman Tabacco performed on behalf of the putative class include, but are not limited to, the following: legal research and drafting pleadings; discovery/investigative work; Japanese-language document/audio analysis; litigation strategy work; settlement strategy work; and court appearances.

7. Berman Tabacco's total fee compensable time for which it seeks an award of attorneys' fees is summarized as follows:

Attorneys	Role <sup>1</sup>	HOURLY RATE	HOURS FROM INCEPTION TO 4/30/2018	LODESTAR FROM INCEPTION TO 4/30/2018	HOURS FROM 10/1/2017 TO 4/30/2018	LODESTAR TO FROM 10/1/2017 TO 4/30/2018
Andrews, Daryl	A	\$610.00	1,851.80	\$1,129,598.00		\$0.00
Bass, William	AA	\$210.00	67.50	\$14,175.00		\$0.00
Bastien, Mackline	SA	\$380.00	3,071.01	\$1,166,983.80		\$0.00
Buttacavoli, Steven	P	\$725.00	74.80	\$54,230.00		\$0.00
Didrickson, Karen	OC	\$395.00	1,590.00	\$628,050.00		\$0.00
Donovan-Maher, Kathleen	P	\$875.00	21.20	\$18,550.00		\$0.00
Drake, Brian	SA	\$380.00	1,482.00	\$563,160.00		\$0.00
Egan, Patrick	P	\$800.00	517.20	\$413,760.00	34.40	\$27,520.00
Elias, Victor	A	\$500.00	31.20	\$15,600.00		\$0.00
Eng, Jay	OC	\$675.00	24.90	\$16,807.50		\$0.00
Falardeau, Laura	PA	\$410.00	1,228.60	\$503,726.00		\$0.00
Girard, Wyndham	CA	\$350.00	3,248.25	\$1,136,887.50		\$0.00
Goffin, Glenn M.	CA	\$395.00	751.90	\$297,000.50		\$0.00
Kikuchi, Akiko	CA	\$450.00	352.00	\$158,400.00	62.00	\$27,900.00
Lavallee, Nicole	P	\$875.00	36.20	\$31,675.00	0.50	\$437.50
Lee, Berna	SA	\$380.00	3,278.50	\$1,245,830.00		\$0.00
Lee, Thomas	CA	\$360.00	1,759.40	\$633,384.00		\$0.00
McGrath, Sarah	A	\$450.00	1,689.30	\$760,185.00	3.70	\$1,665.00
McKim, Ellee	SA	\$380.00	3,037.90	\$1,154,402.00		\$0.00
O'Berry, Anne	OC	\$735.00	63.96	\$47,010.60		\$0.00
Poppler, Chowning	A	\$500.00	56.00	\$28,000.00		\$0.00

<b>Attorneys</b>	<b>Role</b>	<b>HOURLY RATE</b>	<b>HOURS FROM INCEPTION TO 4/30/2018</b>	<b>LODESTAR FROM INCEPTION TO 4/30/2018</b>	<b>HOURS FROM 10/1/2017 TO 4/30/2018</b>	<b>LODESTAR TO FROM 10/1/2017 TO 4/30/2018</b>
Seaver, Todd	P	\$800.00	643.70	\$514,960.00	19.30	\$15,440.00
Stern, Leslie	P	\$860.00	75.40	\$64,844.00		\$0.00
Tabacco, Joseph	P	\$895.00	256.20	\$229,299.00	26.30	\$23,538.50
<b>Paralegals</b>						
Becker, Kathy	PL	\$350.00	35.20	\$12,320.00	3.00	\$1,050.00
Bernardoni, Andrea	PL	\$290.00	41.50	\$12,035.00		\$0.00
Scarsciotti, Jeannine	PL	\$480.00	45.40	\$21,792.00	1.00	\$480.00
		<b>Total</b>	<b>25,331.02</b>	<b>\$10,872,664.90</b>	<b>150.20</b>	<b>\$98,031.00</b>

8. Thus, the total time for which my firm is requesting an award of legal fees is 25,331.02 hours. The total lodestar value of these professional services is \$10,872,664.90.

9. The above hourly rates for Berman Tabacco's attorneys and professional support staff are the firm's current hourly rates. The firm's lodestar figures do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in the firm's current billing rates. Further, expense items do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor(s).

10. As detailed and categorized in the following schedule, Berman Tabacco has incurred a total of \$1,910.82 in expenses from October 1, 2017 through April 30, 2018 for which it has been or will be reimbursed from the litigation expense fund created by this Court. *See Sonterra Capital Master Fund Ltd., et al. v. UBS AG, et al.*, No. 15-cv-5844 (GBD), ECF No. 297 ¶ 3.

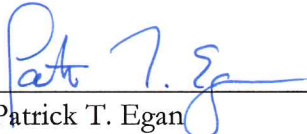
<sup>1</sup> P" refers to Partners. "A" refers to Associates. "AA" refers to law graduates who are awaiting admission. "OC" refers to Of Counsel. "PA" refers to Project Attorney. "SA" refers to Staff Attorney. "CA" refers to Contract Attorney. "PL" refers to Paralegals. "LA" refers to Legal Assistants.

<b>Expense Categories</b>	<b>Cumulative Expenses from Inception to 4/30/2018</b>	<b>Expenses from 10/1/2017 through 4/30/2018</b>
Travel - Airfare, Lodging, Meals, Taxi	\$24,483.25	\$1,276.26
Computer Research, Databases & Docket	\$12,894.07	\$64.00
Conferences, Meetings, Telephone, & Telecopier	\$402.91	\$0.00
Acquisition of Court Transcripts/Court Reporter Fees	\$427.00	\$0.00
Document Review, IT and Maintenance		\$0.00
Professional, Consulting, or Expert Fees		\$0.00
In-House Copying	\$15,993.94	\$550.20
Outside Copying		\$0.00
Payroll-Overtime		\$0.00
Postage, Mailing, FedEx, UPS, Fares & Messengers	\$463.51	\$20.36
Publications, Library, Subscriptions, and Promotion		\$0.00
Service and Filing Fees		\$0.00
<b>Total</b>	<b>\$54,664.68</b>	<b>\$1,910.82</b>

11. The above schedule was prepared based upon expense records reflected in the books and records of Berman Tabacco. These books and records are prepared from expense vouchers, check records, receipts and other source materials.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 29th, 2018

  
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 Patrick T. Egan